SUPREME COURT OF THE UNITED STATES

No. 91-95

STEPHEN C. REDDY *v.* LITTON INDUSTRIES, INC., ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[October 15, 1991]

The petition for a writ of certiorari is denied.

JUSTICE WHITE, dissenting.

One of the issues in this case is whether a person has standing to sue for a conspiracy to violate the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U. S. C. § 1962(d), if the wrongful acts alleged do not constitute "predicate acts" as defined in § 1961(1). Following the lead of the Second Circuit in *Hecht* v. *Commerce Clearing House, Inc.*, 897 F. 2d 21 (CA2 1990), the Ninth Circuit in this case held that petitioner lacked standing to assert a conspiracy claim under § 1962(d) because he did not allege injury from overt acts which themselves are prohibited in the RICO statute. *Reddy* v. *Litton Industries, Inc.*, 912 F. 2d 291, 295 (CA9 1990).

The Court of Appeals recognized that a division in authority existed between the Second Circuit's view, as expressed in *Hecht*, and the Third Circuit's position propounded in *Shearin* v. *E. F. Hutton Group, Inc.*, 885 F. 2d 1162 (CA3 1989). In *Shearin*, the Third Circuit had held that a person has standing to assert a § 1962(d) violation for overt acts of conspiracy that are not defined in § 1961(1). 885 F. 2d at 1166–67. The Ninth Circuit explicitly rejected the Third Circuit's position and adopted the Second

Circuit's rule.

Because a conflict exists among the Courts of Appeals on this important federal question, I would grant certiorari to consider it.